

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
\$10,000.00 IN U.S. CURRENCY,
Defendant.

Civil No. 06CV2439-L(AJB)

**ORDER (1) APPROVING
SETTLEMENT AGREEMENT; (2)
VACATING JUDGMENT AND
ORDERS FILED AUGUST 13, 2007
AND AUGUST 24, 2007; AND (3)
DISMISSING COMPLAINT WITH
PREJUDICE**

Pursuant to the parties' joint motion filed September 7, 2007, **IT IS HEREBY
ORDERED** as follows:

1. The Amended Clerk's Judgment, filed August 24, 2007; order granting Claimant Mark Conti's motion for summary judgment, filed August 13, 2007; and order granting joint motion to supplement judgment, filed August 24, 2007, are hereby **VACATED**.

2. The parties' settlement agreement as stated in the joint motion filed September 7, 2007 is **APPROVED**. Defendant property, \$10,000.00 in U.S. Currency, together with interest thereon, pursuant to 28 U.S.C. § 2465(b)(1)(C), shall be returned to claimant Mark Conti through his attorney of record Richard M. Barnett upon entry of this order. As soon as is practicable, the United States shall pay claimant's attorneys fees in the amount of \$4,569.00 pursuant to 28 U.S.C. § 2465(b)(1)(A). The United States has waived its right to appeal the orders and judgment previously entered in this case. Any and all costs incurred by the United States which were incident to the seizure, custody and control of the defendant currency shall be

1 borne by the United States. The person or persons who made the seizure or the prosecutor shall
2 not be liable to suit or judgment on account of such seizure in accordance with 28 U.S.C. § 2465.

3 3. This action is **DISMISSED WITH PREJUDICE**.

4 **IT IS SO ORDERED.**

5 DATED: September 21, 2007

6 
7 M. James Lorenz
8 United States District Court Judge
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10 COPY TO:

11 HON. ANTHONY J. BATTAGLIA
12 UNITED STATES MAGISTRATE JUDGE

13 ALL PARTIES/COUNSEL
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